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Security Council Committee established pursuant to resolution 1970 (2011) concerning the Libyan Arab Jamahiriya

Letter dated 24 June 2011 from the Permanent Representative of Japan to the United Nations addressed to the Chair of the Committee

In reference to your letter dated 25 March 2010, the Government of Japan is honoured to present its report to the Committee established pursuant to paragraph 24 of Security Council resolution 1970 (2011) concerning the Libyan Arab Jamahiriya, in paragraph 25 of which the Council calls upon all Member States to report to the Committee within 120 days of the adoption of the resolution on the steps they have taken with a view to implementing effectively paragraphs 9, 10, 15 and 17 of the resolution (see annex).

(*Signed*) Tsuneo **Nishida**
Ambassador
Permanent Representative of Japan to the United Nations

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Annex to the letter dated 24 June 2011 from the Permanent Representative of Japan to the United Nations addressed to the Chair of the Committee

Report to the Security Council Committee established pursuant to paragraph 24 of resolution 1970 (2011) concerning the Libyan Arab Jamahiriya

Japan's export control legislation and measures in accordance with paragraph 9 of resolution 1970 (2011)

Japan's export control system is based on the Foreign Exchange and Foreign Trade Act (Act No. 228 of 1948, hereinafter referred to as the "Foreign Exchange Act"), which provides the general legal framework governing exports from Japan and external transactions, as well as on the Export Trade Control Order (Cabinet Order No. 378 of 1949) (for goods) and on the Foreign Exchange Order (Cabinet Order No. 260 of 1980) (for technologies). In accordance with these regulations, the Government of Japan exercises careful control over exports of all items on the lists attached to the Orders by means of a licensing requirement.

Based on the Foreign Exchange Act, the Government of Japan controls the export of arms and related technologies, which appear as the items described as "subject to control" in item 1 of appended table 1 of the Export Trade Control Order and the appended table of the Foreign Exchange Order, respectively. Goods and technologies described on the list of the Orders correspond to the goods and technologies controlled by the international export control regime, namely the Wassenaar Arrangement.

Regarding arms exports, the Government of Japan has been dealing carefully with "arms" exports in accordance with the Three Principles on Arms Exports (hereinafter referred to as "the Three Principles") and their related policy guidelines in order to avoid any possible aggravation of international conflicts. The Three Principles have been the basic policy concerning Japan's "arms" exports since they were declared at the Diet session in 1967.

Under the Three Principles, "arms" exports to the following countries or regions shall not be permitted:

(1) Communist bloc countries;

(2) Countries subject to "arms" exports embargo under Security Council resolutions;

(3) Countries involved in or likely to be involved in international conflicts.

Subsequently, in February 1976, the Government of Japan announced the collateral policy guideline at the Diet session, whereby "arms" exports to other areas not included in the Three Principles will also be restrained in conformity with Japan's position as a peace-loving nation. In other words, the collateral policy guideline declared that the Government of Japan shall not promote "arms" exports, regardless of the destinations. "Arms", as referred to in the Three Principles, are defined as goods which are used by military forces and which are directly employed in combat, specifically, goods listed under item 1 of appended table 1 of the Export Trade Control Order.

Japan's import control legislation and measures in accordance with paragraph 10 of resolution 1970 (2011)

The Government of Japan has taken, in accordance with the Foreign Exchange Act and the Import Trade Control Order (Cabinet Order No. 414 of 1949), necessary measures to prohibit the import of any arms originating from or shipped from Libya.

Under these measures, the Ministry of Economy, Trade and Industry has announced that the importation of arms originating from or shipped from Libya is subject to approval of the Ministry. In light of resolution 1970 (2011), approvals will not be granted for these arms and related materiel.

Measures in accordance with paragraph 15 of resolution 1970 (2011) (travel ban)

The Government of Japan has already initiated, in accordance with the Law for the Establishment of the Ministry of Foreign Affairs and the Immigration Control and Refugee Recognition Act (hereinafter "Immigration Control Act"), necessary measures to exercise vigilance regarding the entry into or transit through its territories of individuals designated in annex I to resolution 1970 (2011) (as well as in annex I to resolution 1973 (2011)).

Under these measures, the Minister for Foreign Affairs, in accordance with the Law for the Establishment of the Ministry of Foreign Affairs, exercises strict vigilance in the examination of entry/transit visas for the entry into or transit through Japan of individuals designated in annex I to resolution 1970 (2011) (as well as in annex I to resolution 1973 (2011)). The Ministry of Justice, in accordance with the Immigration Control Act, also exercises strict vigilance in landing examinations and examinations of applications for certificates of eligibility.

Measures in accordance with paragraph 17 of resolution 1970 (2011) (asset freeze)

The Government of Japan has taken, in accordance with the Foreign Exchange Law and Cabinet approval on 8 March 2011, necessary measures to freeze the funds, other financial assets and economic resources within Japanese territory that are owned or controlled by individuals designated in annex II to resolution 1970 (2011) (as well as individuals and entities designated in annex II to resolution 1973 (2011)).

Under these measures, payments to or by, and capital transactions with, those designated in annex II to the resolution are subject to licensing by the Minister of Finance or the Minister of Economy, Trade and Industry. In light of the resolution, licences will not be granted for these payments and capital transactions, with the exceptions stipulated in paragraph 19 of resolution 1970 (2011).